

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62880 of 2024

Arising Out of PS. Case No.-244 Year-2024 Thana- KHAJANCHI HAT District- Purnia

1. Om Prakash Mandal Son of Late Hardev Mandal R/o village- Kajha, P.S.- K. Nagar, District- Purnia.
2. Biney Mandal Son of Late Hardev Mandal R/o village- Kajha, P.S.- K. Nagar, District- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rakesh Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Ashok Kumar Singh, APP
For the informant	:	Mr. Aditya Nath Pandey, Advocate
		Mr. Yeshoneel Ratnam , Advocate
		Ms. Neha Kumari , Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 25-09-2024 Heard learned counsel for the petitioners,
complainant/informant and the State .

2. Petitioners apprehend their arrest in a case registered for the offence punishable under sections 120 B, 420, 467, 468 and 471 of the Indian Penal Code .

3 . As per prosecution case , father of informant Shri Shubheshwar Narayan Sharma had executed a sale deed in favour of the father and mother of these petitioners in the R S Khata No. 1506 and Khesra No. 4858 and 2404. It is further alleged that informant's brother Murari Sharma again registered the same land to these petitioners on 25.03.2021 because the



land in question fell in the share of Murari Sharma after Panchnama partition among the family members and then mutation was done by these two accused persons vide Jamabandi No. 1363 of 2021 – 22 . It is further alleged that after the death of complainant's father, accused persons collusively manipulated in Para 06 of the registered deed that was executed by the complainant's father in favour of the mother and father of petitioner Nos. 1 and 2 and husband of other co-accused person and got entered another piece of land and then in collusion with the Circle Officer got the land mutated vide Mutation Case No. 90 of 2023 – 24 .

4. It is submitted on behalf of the petitioners that petitioners are the bonafide purchasers of the land in question and have purchased the land after payment of due consideration money and as such no case of criminal offence is made out against these petitioners. Moreover, dispute involved in this case is with regard to sale and purchase of land which is purely civil in nature and complainant has got alternative remedy before the Court below .

5 . Learned counsel for the State as well as complainant/informant opposed the bail petition .

6 Considering the aforesaid facts and circumstances



of the case, in the event of arrest or surrender within eight weeks from today, let the petitioners, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate Purnia in connection with K Hat P.S. Case No. 244 of 2024 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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